

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE FUNDERBURG, ROBERT DALE BOOTH, Guardian ad Litem for MARK DEXTER BOOTH, a minor, and MARK SAJJADI, M.D.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

**ORDER RE: COMPROMISE OF
MINOR'S CLAIM**

Date: November 9, 2005
Time: 9:00 a.m.
Courtroom: 8, 4TH fl.
Hon . James Ware

Petitioner ROBERT DALE BOOTH has petitioned for approval of the proposed compromise of the claims specified in the Petition. The Court has considered the Petition for Approval of the Compromise of the Minor's Claim and the Declarations of Robert Dale Booth and David S. Rand in Support, as well as the Supplemental Declaration of David S. Rand in Support.

IT IS HEREBY ORDERED:

1) ROBERT DALE BOOTH, who was appointed by the Boulder County, Colorado District Court for the presentation and prosecution of claims on behalf of his natural son,

1 for damages arising out of the airplane crash of August 5, 2001, is hereby appointed as
2 Guardian ad Litem and authorized by this Court to resolve and compromise all claims
3 pursued on behalf of Mark Dexter Booth, a minor, arising out of that airplane crash.

4 2) The Petition is granted and the compromise of claims, as presented is GRANTED.

5 3) Of the total settlement of all claims of all three plaintiffs, Robert Dale Booth, Guardian
6 ad Litem for Mark Dexter Booth, Steve Funderburg and Mark Sajjadi, M.D., of a gross
7 amount of \$4,750,000, the Court orders a gross allocation to the minor, Mark Dexter
8 Booth, of \$2,866,052.50.

9 4) The payors, Great American Insurance Company, the County of Trinity, or its liability
10 insurer acting on its behalf, and the United States of America, shall pay the agreed upon
11 amounts (Great American: \$1,000,000; County of Trinity: \$1,750,000; United States of
12 America: \$2,000,000) as follows:

13 a) Amounts to be paid by Great American Insurance Company and the United States
14 of America shall be paid directly into the trust account of the Law Offices of David S.
15 Rand by wire transfer or certified or cashiers check, within 14 days of the date of this
16 Order, or as soon thereafter as possible;

17 b) \$1,000,000 of the amount to be paid on behalf of the County of Trinity shall be
18 paid directly into the trust account of the Law Offices of David S. Rand by wire transfer
19 or certified or cashier's check within 14 days of the date of this Order, or as soon
20 thereafter as possible;

21 c) \$750,000 of the amount to be paid on behalf of the County of Trinity shall be
22 paid to Mass Mutual Assignment Company, and delivered to Carlos Alcaine, Wachovia
23 Securities LLC, 2998 Douglas Blvd., Ste 210, Roseville, CA 95661, in payment of a
24 single premium for a structured payout to Mark Dexter Booth, of monthly payments
25 commencing at age 25 and continuing for life, with annual increases of 3%, guaranteed
26 for 20 years, in the amount of \$3,716.59.

1 5) The Court approves and orders disbursement of \$2,116,052.50 of the funds deposited
2 into the Trust Account of Law Offices of David S. Rand, allocated to payment of the
3 claims of Mark Dexter Booth, as follows:

4 a) Costs and expenses to be allocated to the minor, Mark Dexter Booth, and to be
5 deducted from the recovery obtained and allocated to the minor, in the amount of
6 \$180,601.44.

7 b) Attorneys fees to be paid for legal services rendered on behalf of the minor, Mark
8 Dexter Booth, and to be deducted from the recovery obtained and allocated to the minor,
9 in the amount of \$671,362.77.

10 c) \$80,000.00 in principal loan repayment to be paid to Dr. Mark Sajjadi

11 d) \$32,514.34 to be paid to Robert Dale Booth, to be used as the payoff of financing
12 for a 2005 Honda CRV vehicle and for purchase and installation of hand controls for use
13 by the minor

14 e) \$2,000.00 to be paid to Robert Dale Booth to be used for the purchase of new
15 computer and printer for use by the minor

16 f) \$1,185.76 to be paid to Health Care Recoveries, in satisfaction of a lien for
17 medical services rendered for evaluation and treatment for injuries sustained in the
18 subject airplane crash, paid for by Blue Cross of California

19 g) \$2,335.20 to be paid to Advantage Receivables Mgmt, in satisfaction of a lien for
20 medical services rendered for evaluation and treatment for injuries sustained in the
21 subject airplane crash by Mercy Medical Center, Redding, California

22 h) \$3,558.00 to be paid to Robert Dale Booth to be used for the purchase of a new
23 everyday wheelchair for the minor

24 i) \$1,142,494.99 to be deposited into Wachovia Securities LLC, 303 Almaden Blvd,
25 Ste 1100, San Jose, CA 95110-2706, maintained in the name of Robert Dale Booth,
26 trustee for Mark Dexter Booth, a minor, to be used for the purchase of United States
27 Treasury Notes, in an aggregate amount as close as possible to the full deposit, less an
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1 amount to be withheld for anticipated taxes on interest earned thereon, with the remainder
2 to be held in an FDIC insured interest bearing account.

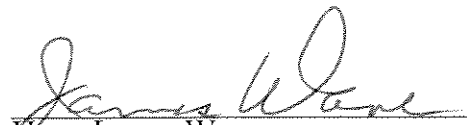
3 6) The Court further orders that, within 48 hours of the receipt by the trust account of the
4 Law Offices of David S. Rand of all of the settlement funds from each payor, David Rand
5 shall deposit the amount of \$1,142,494.99 into the Wachovia account, in accordance with
6 the above instructions.

7 7) Petitioner and/or Petitioner's attorney shall deliver to Wachovia Securities LLC, at the
8 address shown above, three copies of the Order to Deposit Money into Blocked Account,
9 which is signed contemporaneously with this Order, and three copies of a Receipt and
10 Acknowledgement of Order to Deposit Money into Blocked Account. The Petitioner
11 and/or Petitioner's attorney shall file a copy of the receipt with this Court within 15 days
12 of the deposit.

13 8) The blocked account belongs to a minor. The minor was born on 9/6/89. No
14 withdrawals of principal or interest may be made from the blocked account, except to pay
15 taxes on interest earned, without a written order under this case name and number, signed
16 by a judge, and bearing the seal of this court, until the minor attains the age of 18 years.
17 When the minor attains the age of 18 years, the depository, without further order of this
18 court, is authorized and directed to pay by check or draft to the minor, or into a trust
19 account designated by him, upon proper demand, all moneys including interest deposited
20 under this order. The money on deposit is not subject to escheat.

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23 IT IS SO ORDERED.

24 Dated: November 9, 2005


Hon. James Ware
Judge, United States District Court
Northern District of California